

CA40NHBL A08

98B243

URBAN
MUNICIPAL

PROPERTY STANDARDS

Property Standards

98-243

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 243

To consolidate the Property Standards By-Law

Where Section 31 of the Planning Act R.S.O. 1990, Chapter P.13 contained the jurisdiction for Municipalities to enact Property Standards By-Laws,

And Whereas pursuant to the provisions of the Planning Act, the City did adopt an Official Plan subsection C.5 on Property Maintenance and Municipal Housekeeping which includes provisions relating to property conditions..

And Whereas By-Law No. 94-185 was enacted pursuant to Section 31, of the Planning Act,

And Whereas the Tenant Protection Act S.O. 1997, Chapter 24, repealed Section 31 of the Planning Act and transferred the Property Standard By-Law authority to the Building Code Act, 1992.

And Whereas it is desirable to consolidate By-Law No. 94-185.

NOW THEREFORE, the Council of the Corporation of the City of Hamilton enacts as follows:

SHORT TITLE

1. This by-law may be cited as The Property Standards By-law.

INTERPRETATION

2. In this by-law.
 - (a) "accessory building" means a building or structure the use of which is incidental to the use of a property and which is located in the yards located on the same lot as a building.
 - (b) "approved" means approved by the Property Standards Officer
 - (c) "basement" means any storey below the first storey.
 - (d) "building" means any structure used or intended to be used for supporting or sheltering any use or occupancy.
 - (e) "building code" includes,
 - (i) The Building Code Act, 1992 and regulations made thereunder.
 - (ii) City of Hamilton By-law No. 93-167 as amended.
 - (f) "cellar" means a storey that is more than 50 percent below grade.
 - (g) "City" means The Corporation of the City of Hamilton.
 - (h) "committee" means The Property Standards Committee established under this By-law.
 - (i) "dwelling" means a building or structure, with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes a building that would be or would be intended to be used for such purposes, except for its state of disrepair.

- (j) "dwelling unit" means a suite that is a housekeeping unit, used or intended to be used as a domicile by one or more persons for living, sleeping and preparing food and **must** include a kitchen.
- (k) "first storey" means the uppermost storey having its floor level not more than 2 meters above grade.
- (l) "guard" means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such barrier may or may not have openings through it.
- (m) "habitable room" means any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking, and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof.
- (n) "health by-law" means The City of Hamilton Health By-Law, being By-Law No. 4798, a by-law Respecting Conditions which may be or become Injurious to Health, and the regulations made thereunder, and any regulation or by-law prescribed or authorized by the provisions of The Health Protection & Promotion Act, 1990, Chapter H.7, as amended.
- (o) "heating appliance" means a device to convert fuel into energy and includes all components, controls, wiring, and piping required to be part of the device by the applicable standard referred to in the Building Code.
- (p) "inoperative motor vehicle" means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunct or part which prevent its normal function.
- (q) "lot" means a parcel of land the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed.
- (r) "medical officer of health" means The Medical Officer of Health for the Regional Municipality of Hamilton-Wentworth, Department of Health Services.
- (s) "multiple dwelling" means a building containing four or more dwelling units.
- (t) "non-habitable room" means any room or space in a dwelling, or dwelling unit, other than a habitable room and includes a washroom, bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, cellar, boiler room, garage, or space for service and maintenance of any building for public use and for access to and vertical travel between storeys.
- (u) "occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- (v) "officer" means a Property Standards Officer who has been assigned the responsibility of administering and enforcing by-laws enacted pursuant to Section 15.1 of the Building Code Act, 1992.
- (w) "owner" includes the person, for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account, or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease,

is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

- (x) "property" means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, fence and retaining walls, and erections thereon, whether heretofore or hereafter erected and includes vacant property.
- (y) "protective device" means any mechanical device designed for the purpose of inhibiting movement by latching or automatic engagement or in any other reasonable manner.
- (z) "repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law.
- (aa) "residential property" means any property that is used or is capable of being used as a dwelling or multiple thereof, and includes any land or buildings that are appurtenant to such establishment including but not necessarily limited to all steps, walks, driveways, parking spaces, fences and yards.
- (bb) "retaining wall" means a structure that holds back soil or other loose material to prevent it assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs.
- (cc) "sanitary sewage" means liquid or water borne waste
 - (i) of industrial or commercial origin, or
 - (ii) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
- (dd) "storm sewage" means water that is discharged from a surface as a result of rainfall, snowmelt or snowfall.
- (ee) "sewage system" means the Regional Municipality of Hamilton-Wentworth's system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within the City of Hamilton.
- (ff) "standards" means the standards of physical condition and of occupancy prescribed for property by this by-law.
- (gg) "storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- (hh) "suite" means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.
- (ii) "tenant" means any person or persons over the age of 18 years in possession of the property.
- (jj) "unsafe condition" means any condition that poses a danger to the health or safety of any person on or about the premises.
- (kk) "visual barrier" shall mean a continuous, uninterrupted structure which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material.

...the ... of ... the ... of ... the ... of ...

...the ... of ... the ... of ... the ... of ...

...the ... of ... the ... of ... the ... of ...

...the ... of ... the ... of ... the ... of ...

...the ... of ... the ... of ... the ... of ...

...the ... of ... the ... of ... the ... of ...

...the ... of ... the ... of ... the ... of ...

...the ... of ... the ... of ... the ... of ...

...the ... of ... the ... of ... the ... of ...

...the ... of ... the ... of ... the ... of ...

...the ... of ... the ... of ... the ... of ...

...the ... of ... the ... of ... the ... of ...

...the ... of ... the ... of ... the ... of ...

...the ... of ... the ... of ... the ... of ...

...the ... of ... the ... of ... the ... of ...

- (ll) "yard" means the land within the boundary lines of the lot and not occupied by the principal building.

SCOPE

- 3(1) No person shall use or occupy, or being the owner thereof or his agent, shall allow to be used or occupied, any property unless such property conforms to the standards prescribed herein, nor shall the owner or his agent permit the accumulation of debris or rubbish on yards, as herein defined, in contravention of the standards prescribed in this By-Law.
- 3(2) No person shall use or permit any one to use any property that does not conform to the standards of this By-Law.
- 3(3) No owner of any property shall fail to maintain such property to conform to the standards of this By-Law.
- 3(4) No person shall remove from a property any sign, notice or placard placed thereon pursuant to section 20 of the Building Code Act, 1992.

VALIDITY

- 4(1) Should any section or part of a section of this By-Law be held to be invalid, the validity of the remainder of the By-Law shall not be affected.

GENERAL STANDARDS FOR ALL PROPERTIES

STRUCTURAL STANDARD

- 5(1) Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use, having a factor of safety as required by the Ontario Building Code.
- 5(2) All exterior surfaces shall be of materials which resist deterioration by the weather or have resistant coatings applied to them.
- 5(3) The exterior walls, chimneys, roofs and other parts of the property shall be free from loose, rotten, warped and broken materials and objects. Such materials and objects shall be removed, repaired or replaced.

5(4) FIRE DAMAGED BUILDINGS

Fire damaged buildings shall be kept clear of all garbage, refuse and debris and shall have all water, electrical and gas services turned off except those services that are required for the security and maintenance of the property.

The owner or agent of the fire damaged building shall restore the building to meet the requirements of Sections 5,6,7, and 8 of the said By-Law, and shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inches) weather-proofed sheet plywood, painted a colour compatible with the surrounding walls.

EXTERIOR WALLS AND ROOFS

- 6(1) The exterior walls and their components shall be maintained so as to prevent their deterioration and shall be so maintained, by the painting,

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1801.

2. The second part is a report from the Secretary of the Navy, dated January 10, 1801.

3. The third part is a report from the Secretary of the Treasury, dated January 15, 1801.

4. The fourth part is a report from the Secretary of the Interior, dated January 20, 1801.

5. The fifth part is a report from the Secretary of the War, dated January 25, 1801.

6. The sixth part is a report from the Secretary of the State, dated January 30, 1801.

7. The seventh part is a report from the Secretary of the Navy, dated February 5, 1801.

8. The eighth part is a report from the Secretary of the Treasury, dated February 10, 1801.

9. The ninth part is a report from the Secretary of the Interior, dated February 15, 1801.

10. The tenth part is a report from the Secretary of the War, dated February 20, 1801.

11. The eleventh part is a report from the Secretary of the State, dated February 25, 1801.

12. The twelfth part is a report from the Secretary of the Navy, dated February 30, 1801.

13. The thirteenth part is a report from the Secretary of the Treasury, dated March 5, 1801.

14. The fourteenth part is a report from the Secretary of the Interior, dated March 10, 1801.

15. The fifteenth part is a report from the Secretary of the War, dated March 15, 1801.

restoring or repairing of the walls, coping or flashing or by the waterproofing of joints and of the walls themselves.

- 6(2) Exterior walls, roofs and other parts of a building shall be free from loose and unsecured objects and materials which may create an unsafe condition. Such objects or materials shall be removed, repaired or replaced.
- 6(3) Exteriors of buildings shall be kept weather resistant through the use of caulking and other appropriate weather resistant materials and be maintained to prevent the entry of vermin and birds.
- 6(4) A roof including the fascia board, soffit, cornice and flashing shall be maintained in a condition so as to prevent the leakage of water into the building.
- 6(5) All structural components of a roof shall provide adequate support for all probable loads, and form a suitable base for the roof covering.
- 6(6) Sign faces and their structures shall be maintained without any visible deterioration of the sign or its structure.
- 6(7) Exterior walls of a building or structure and their components shall be maintained free of painted slogans, graffiti or similar defacements.
- 6(8) Exterior walls of a building or structure, and their components shall be maintained free of posters or advertisements which are:
 - a) for events which have already occurred or
 - b) which are, or may become, loosened, dislodged, torn or otherwise in a condition which may permit them to detach and become litter.

FOUNDATIONS AND BASEMENTS

- 7(1) The foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.
- 7(2) Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

INTERIOR STRUCTURE & FLOORS

- 8(1) Every building, unless of concrete slab-on-grade design, shall be upon either full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry, or other material acceptable to the City under the provisions of the Building Code and shall be sound, reasonably plumb, and adequate to carry the loads imposed on them.
- 8(2) In every building all joists, beams, studding, and roof rafters shall be of sound material and adequate for the load to which they are subjected.
- 8(3) Every cellar shall have a floor of concrete or other material acceptable to the City under the provisions of the Building Code for purposes of water drainage and to guard against the entry of vermin.
- 8(4) Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition. Such defective floor boards shall be repaired or replaced.

- 8(5) Where floors have been covered with linoleum or other covering that has become worn or torn so that it retains dirt or may create an unsafe condition, the sheet flooring or other covering shall be repaired or replaced.
- 8(6) Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material.
- 8(7) Every wall and ceiling shall be maintained in a condition free from holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter a concealed space.

RUBBISH AND DEBRIS

- 9(1) Every property shall be kept free from rubbish, debris or conditions which constitute fire, accident or health hazards.
- 9(2) Every porch, hallway, stairway and common area shall be kept free of garbage, debris, old furniture, appliances, etc.

PLUMBING SYSTEM

- 10(1) The plumbing system in every building shall be maintained in good working order and free from leaks and defects and in compliance with The Ontario Building Code. All water pipes and appurtenances thereto shall be protected from freezing. All plumbing fixtures shall be connected to the sewage system through water seal traps.

KITCHEN FACILITIES

- 11(1) Every Commercial and Industrial building shall contain plumbing fixtures in accordance with the appropriate provincial legislation.
- 11(2) Every kitchen shall contain an area equipped with a sink, served with potable running water, storage facilities, a work area, and space for a stove and refrigerator and all areas shall be maintained in a good state of repair.

HEATING SYSTEMS

- 12(1) Except for spaces exempted by the Building Code, a heating system shall be installed that is capable of supplying during normal hours of occupancy of the building sufficient heat to maintain a temperature of not less than 22 degrees Celsius or 72 degrees Fahrenheit at the outside design temperature specified in the Building Code.
- 12(2) The heating system and every other mechanical system shall be:
 - (a) operated and maintained,
 - (i) in good working order; and
 - (ii) free from unsafe conditions; and
 - (iii) in accordance with the requirements of the Building Code; and
 - (b) maintained at all times in good repair.
- 12(3) No heating appliance shall be installed or placed so as to cause a fire hazard nor to impede the free movement of a person within the room where the heating appliance is located. A heating appliance shall not be located in corridors, hallways or other means of egress.

- 12(4) Any heating system or part thereof or any auxiliary heating system that is designed to burn solid or liquid fuel shall be provided with a properly constructed receptacle for fuel storage or a place for storage located so as to be free from fire or accident hazard.
- 12(5) Every chimney, smoke pipe and flue shall be maintained so as to prevent gases from leaking into a building and the maintenance shall include cleaning the flue of obstructions, filling open joints and repairing masonry.
- 12(6) Any heating equipment used in the process of burning fuel shall be properly vented to the outside air by means of an approved smokepipe, vent pipe or chimney.
- 12(7) All gaseous and liquid fuel burning appliances and equipment shall comply with the relevant provincial regulations.

MAINTENANCE OF PROPERTY
YARDS/ PARKING LOTS/ VACANT PROPERTY

- 13(1) Facilities for lighting, including flood lighting required as a condition of site development or redevelopment, shall be maintained in a good state of repair and in accordance with the recommended horizontal illuminance as set out under the I.E.S. Lighting Handbook (1987).
- 13(2) Yards shall be kept clean and free from rubbish or other debris and from objects or conditions that might create a health, fire or accident hazard or an unsafe condition.
- 13(3) Heavy undergrowth and noxious plants, such as ragweed, poison oak, poison ivy and poison sumac, shall be eliminated from the yard.
- 13(4) Every yard, parking lot, and vacant property shall be kept free from:
 - (a) metal, wood and rubber objects, barbed and other wire.
 - (b) unused or surplus animal, vegetable or chemical products that are the by-products of any process, or that may be or become contaminated
- 13(5) Storage, salvage, and scrap yards, whether licensed or not, shall be effectively screened from all other property or streets by a visual barrier and materials or matter of any kind stored or located in such yards shall not be piled within 1 metre of such visual barrier, unless such visual barrier is capable of sustaining any horizontal load which may be imposed upon it by the stored materials.
- 13(6) Grass, plantings, and hedges shall be kept trimmed and neat. Every yard and vacant property shall be kept free of noxious plants in accordance with the provisions of the Weed Control Act R.S.O. 1990, Chapter W.5 and amendments thereto and the regulations made thereunder.
- 13(7) Ground cover, hedges, trees, landscaping and site facilities required as a condition of site development or redevelopment shall be maintained in living condition and in a good state of repair.
- 13(8) Trees or parts thereof that have expired shall be removed or maintained in a condition which is not hazardous to persons expected to be on or about the property.
- 13(9) Concrete wheel stops shall be installed where parking spaces are adjacent to a property line to protect fences and neighbouring properties from physical damage.

- 13(10) Stoned surfaces shall be maintained free of dust and spillover onto sidewalks and grass surfaces.

WALKS AND SAFE PASSAGE

- 14(1) There shall be a walk leading from the principal entrance of every building to the street. Such walks may lead to a driveway or hard surfaced area provided such area leads to a street.
- 14(2) The surfaces of steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under normal use.

SEWAGE AND DRAINAGE

- 15(1) Sanitary sewage shall be discharged into the municipal sanitary sewer where such a system exists. Where a Municipal sanitary sewer does not exist, sewage shall be disposed of in a manner acceptable to the Chief Building Official.
- 15(2) Roof drainage shall not be permitted to discharge on a sidewalk, stairs, neighbouring property, or a street.
- 15(3) Storm water shall be drained from a yard so as to eliminate recurrent standing water or ponding and prevent the entrance of water into a basement or cellar on the property or adjacent properties.
- 15(4) Condensation from air conditioners shall not be permitted to discharge onto the sidewalk or street.
- 15(5) Eavestroughs shall be maintained:
- a) watertight and free from leaks,
 - b) in good working order, and free from any obstructions,
 - c) in a stable condition and shall be securely fastened to the structure, and
 - d) free from unsafe conditions.
- 15(6) Downspouts shall be maintained:
- a) watertight and free from leaks,
 - b) in good working order, and free from any obstructions,
 - c) in a stable condition and shall be securely fastened to the structure, and
 - d) free from unsafe conditions.

ACCESSORY BUILDINGS AND FENCES

- 16(1) Accessory buildings, fences, barriers and retaining walls shall be kept in good repair.
- 16(2) The owner of any property used for multiple-dwelling, commercial, institutional, or industrial purposes shall install and maintain around such property a visual barrier not less than 4 feet (1.2 metres) and not more than 6 feet 6 inches (2.0 metres) in height where such property is used for the

parking, access, and exiting of vehicles by tenants, employees, or customers or when used for the operation of equipment or when used for the storage of goods, or when used for any other purpose which may detract from the quiet enjoyment and good appearance of an abutting residential property.

- 16(3) Despite Section 16(2), no visual barrier shall be required within 9 feet, 9 inches (3.0 metres) in distance from a front lot line in accordance with By-law No. 6593, as amended.

ADDITIONAL RESIDENTIAL STANDARDS

WEATHER PROOFING

- 17(1) Every exposed ceiling or exterior wall of a residential building when opened or replaced during the course of alterations or renovations shall be insulated, in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with,
- (a) the Building Code and amendments thereto, made under the Building Code Act, 1992 or
 - (b) standards equivalent to the Building Code and amendments thereto, satisfactory to the Property Standards Officer.
- 17(2) Windows and exterior doors and frames, basement or cellar hatchways and attic access doors shall be maintained in good repair and shall be of such construction so as to minimize drafts and heat losses through the infiltration of outside cold air.
- 17(3) Rotted or damaged doors, door frames, window frames, sashes and casings, weatherstripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

SECURITY

- 18(1) All openable windows, exterior doors and the entrance door to a dwelling unit shall have hardware so as to be capable of being locked or otherwise secured.
- 18(2) Every lock on a building that is designed to be unlocked with a key or combination shall be maintained in good working order or shall be repaired or replaced.
- 18(3) The owner of a multiple dwelling shall, upon the written request of an occupant of the dwelling unit, in which children under the age of ten reside, provide and install a protective device on any window that,
- (a) has a moveable sash, and
 - (b) is more than six feet (1.8 m) above adjacent finished ground level.
- 18(4) The protective device shall be installed within seven days of the delivery of the written request upon the owner, his agent or representative.
- 18(5) The protective device shall be installed in such a manner as to prevent any child under the age of ten years from opening a window to any amount greater than four inches (100 mm.).
- 18(6) The owner of a building containing 10 or more dwelling units shall post or display or cause to be posted or displayed and shall maintain or cause to be

maintained a legible and clearly printed copy of this section, conspicuously placed in the building so as to be clearly visible and available for ready viewing and easy reading by tenants or occupants of the building.

STAIRS AND PORCHES

- 19(1) Interior and exterior stairs, porches and any other means of access shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards. Treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 19(2) A handrail shall be installed and maintained in good repair on all stairs which have more than 3 risers.
- 19(3) Handrails shall be located between 32 inches and 36 inches (810 and 920mm) measured vertically above a line drawn through the outside edges of stair nosings.
- 19(4) Handrails will be provided on both sides of stairs greater than 43 inches (1100 mm) in width.
- 19(5) Every exterior landing, porch and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than for maintenance purposes, shall be protected by guards on all open sides where the difference in elevation between adjacent levels exceeds 24 inches (610 mm), and every exterior stair with more than 6 risers shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair exceeds 24 inches (610 mm). All guards including those for balconies shall be at least 42 inches (1070mm) in height. Guards for stairs shall be not less than 2 ft 11 in (900 mm) high measured vertically from a line drawn through the outside edges of the stair nosings, and 3 ft 6 in (1070 mm) high at landings. Guards for stairs within dwelling units and stairs serving not more than one dwelling unit shall be not less than 2 ft 7 in (800 mm) measured vertically above a line drawn through the outside edges of stair nosings, and not less than 2 ft 11 in (900 mm) above landings. All required guards within dwelling units, other than those previously described shall be not less than 2 ft 11 in (900 mm) high.

INTERIOR WALLS, CEILINGS AND DOORS

- 20(1) Every wall and ceiling shall be maintained in a condition free from holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter a concealed space.
- 20(2) Where fire resistant walls and doors exist between separate dwelling units they shall be maintained in a condition which maintains their fire-resistant quality.
- 20(3) Where doors are provided, the doors and associated hardware shall be maintained in a good state of repair.

WATER

- 21(1) Every dwelling shall be provided with a supply of potable water from at least one of the following approved sources:
 - a) Municipal Water System
 - b) Communal Water System
 - c) Private Source

- 21(2) Every dwelling or building to which water is available under pressure through piping shall be provided with:
- a) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, slop sink and laundry area and
 - b) piping for cold water connected to every toilet and hose bib,
 - c) equipment which supplies hot water to every washbasin, sink, bathtub or shower.

TOILET, KITCHEN AND BATHROOM FACILITIES

- 22(1) Every dwelling unit shall contain plumbing fixtures consisting of:
- a) a kitchen sink
 - b) a water closet
 - c) a hand wash basin; and
 - d) a bathtub and/or shower
- 22(2) All bathrooms and toilet rooms shall be located within and accessible from within the building and all bathrooms and toilet rooms shall be maintained in a good state of repair.
- 22(3) All bathrooms and toilet rooms shall be fully enclosed and shall have a door capable of being closed so as to provide privacy for the occupant.
- 22(4) A hand wash basin shall be located in the same room as the toilet or in an adjoining bathroom.
- 22(5) Where toilet, kitchen or bathroom facilities are shared by the occupants of residential accommodation, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities. The minimum number of toilets, kitchens or bathrooms required shall be in accordance with the Ontario Building Code.
- 22(6) Every bathroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.
- 22(7) No toilet or urinal shall be located within a habitable room.

KITCHEN FACILITIES

- 23(1) Except for a dwelling in which the occupants do not, and are not intended or permitted to prepare food for their own consumption, and which is not required to have any kitchen facilities, every dwelling unit shall be provided with each of the following components and shall be maintained in a good state of repair:
- (a) Every kitchen shall be provided with a kitchen sink and a splash back which is water and grease resistant.
 - (b) Every kitchen shall be provided with a work surface of at least 8 square feet which shall be impervious to grease and water.

- (c) Every kitchen shall be provided with kitchen cupboards or pantry for the storage of food, dishes, and cooking utensils having a content of at least 30 cubic feet.
- (d) Every kitchen shall be provided with sufficient space to accommodate a cooking range or a countertop cooking unit.

ELECTRICAL SERVICES

- 24(1) Every suite and dwelling unit, where required by the Building Code and the Ontario Electrical Code, shall be:
 - (a) connected to an electrical supply system; and
 - (b) wired to receive electricity.
- 24(2) The capacity of the connection to the building and the system of circuits and electrical outlets distributing the electrical supply within the building shall be:
 - (a) adequate for the intended use; and
 - (b) maintained at all times,
 - (i) free from unsafe conditions ; and
 - (ii) in accordance with the requirements of the Ontario Electrical Code.
- 24(3) An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.
- 24(4) Electric heating shall be maintained in compliance with the provincial regulations.

LIGHTING

- 25(1) Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in good working order.
- 25(2) All public hallways and stairs in multiple dwellings shall be illuminated so as to provide safe passage.

VENTILATION

- 26(1) Except as herein provided, every habitable room shall have an opening or openings for natural ventilation from outside which shall be maintained in good working order.
- 26(2) Except as herein provided every bathroom or room containing a water closet shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed area of 1 sq.ft. (.09 sq.m.)
- 26(3) Where a system of mechanical ventilation is provided in accordance with the Ontario Building Code, an opening for natural ventilation from a bathroom or toilet room may be omitted.

- 26(4) All systems of mechanical ventilation shall be maintained in good working order.
- 26(5) The natural ventilation requirements prescribed in subsections (1) and (2) may be omitted from any room where adequate mechanical ventilation equipment has been approved by the Property Standards Officer.
- 26(6) Every basement, cellar and unheated crawl space shall be adequately vented.

GARAGES

- 27(1) Garages shall be so maintained as to prevent gas fumes and carbon monoxide from entering the area of the dwelling unit.
- 27(2) Garages shall be maintained in good repair and free from accident hazards.

GARBAGE DISPOSAL

- 28(1) Every dwelling, dwelling unit and building shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes that accumulate on the property and shall be made available for removal weekly.
- 28(2) Receptacles for garbage shall be:
 - i) made of watertight construction
 - ii) provided with a tight fitting cover and
 - iii) maintained in a clean state.
- 28(3) Boxes or plastic bags, when adequately secured so as to prevent spillage, shall be considered to be acceptable receptacles. However, such containers shall not be stored outdoors unless protected from damage.
- 28(4) Paper bags of any type shall not be considered as acceptable receptacles. Such bags, when used to contain garbage, shall be placed in receptacles as prescribed by Section 28.2 or 28.3.
- 28(5)
 - (a) Every garbage and refuse chute, and every garbage and refuse storage room in a multiple dwelling shall be kept in use and maintained in operation at all times.
 - (b) No owner of a multiple dwelling or occupant thereof shall disconnect, shut off, remove, otherwise discontinue, or cause or permit the disconnection, shutting-off, removal, or discontinuance of any garbage and refuse chute or any garbage and refuse storage room except when such action is necessary in order to safely make repairs, replacements or alterations thereto, and then only during the reasonable minimum time that such action is necessary.
 - (c) Where it is not practical to maintain garbage chutes operational, because compactors are not able to be installed in place of incinerators the garbage and refuse chutes need not be maintained operational at all times if an alternate method readily accessible to all occupants is provided and maintained as follows:
 - (i) a garbage storage area is provided on each floor of the building,

- (ii) the occupants are not required to deliver the garbage to the ground floor, basement or parking lot of the building, and
- (iii) a daily collection procedure from each floor is provided by the management of the building and the garbage is delivered to the receptacles as required in Sections 28(2) and 28 (3) of this By-Law.

OCCUPANCY STANDARDS

- 29(1) No person shall use or permit the use of a non-habitable room for a habitable room purpose.
- 29(2) Every living room, dining room, and kitchen shall have an average clear height of 7 feet over at least three-quarters of its floor area and every bedroom shall have an average clear height of 7 feet over at least one-half its floor area.
- 29(3) A bedroom or sleeping room for one person shall have a floor area of at least 60 square feet, and a bedroom or sleeping room for 2 or more persons shall have a floor area of at least 36 square feet per person, calculated in each case from the measurement of such room from the inside faces of its walls, exclusive of the floor area of any closet or other storage space.
- 29(4) For the purpose of computing the floor area or ceiling height of rooms referred to in subsections (1) and (2) and (3) of this section, the floor area of any portion of the room which does not have a clear height of 4 feet 6 inches shall be excluded.

RESPONSIBILITIES OF THE OWNER

The owner of a property shall:

- 30(1) Comply with all standards prescribed in this By-law.
- 30(2) Not permit any person to use or occupy any property owned, managed or controlled by him unless such property conforms to the standards prescribed in this By-Law.
- 30(3) Comply with any final and binding order of the Property Standards Officer.
- 30(4) Provide tests and samples as specified by the Property Standards Officer.

ADMINISTRATION AND ENFORCEMENT

Officers

- 31(1) The Chief Building Official appointed pursuant to the Building Code Act, 1992, is hereby assigned the responsibility of administering and enforcing this By-law.
- 31(2) A Property Standards Officer may permit the maintenance of property to alternate standards required by any provision of this By-law.
- 31(3) The alternate standards shall be in accordance with the general purpose and intent of this By-law.

- 31(4) Where alternate standards are permitted, they shall have the same effect and force as standards required by any provision of this By-law.
- 31(5) A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under section 15.3(7) of the Building Code Act, 1992 so as to provide for:
- (i) repair of the property; or
 - (ii) clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and levelled condition,
- where the cost of doing the work does not exceed \$20,000.
- 31(6) Where the cost of doing the work exceeds \$20,000, the Building Department shall seek the authorization from City Council to carry out the requirements of the order.
- 31(7) Upon completion of the work referred to in section 31(5), the municipality shall have a lien on the land for the amount spent on the repair or demolition, and the amount shall be deemed to be municipal real property taxes and may be added by the clerk of the municipality to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

RIGHT TO ENTER AND INSPECT

- 32(1) An officer acting under this by-law or any person acting under his or her instructions
- (a) may, at any reasonable time, and upon producing proper identification, enter upon any property without a warrant for the purpose of inspecting the property to determine
 - (i) whether the property conforms with the standards prescribed in the by-law
 - (ii) whether an order made under this by-law has been complied with
 - (b) Notwithstanding the above, a Property Standards Officer shall not enter or remain in any room or place actually used as a dwelling unless,
 - (i) the consent of the occupier is obtained, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant issued under the Building Code Act, 1992.
 - (ii) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health and safety of any person
 - (iii) a warrant issued under the Building Code Act, 1992 is obtained.
 - (iv) the entry is necessary to repair or demolish the property in accordance with an Order issued under this By-Law and the Officer, within a reasonable time before entering the room or place, serves the occupier with Notice of the Officer's intention to enter the room or place.

NOTICE OF VIOLATION

- 33(1) If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards, he or she may issue an order to the owner and such other persons affected by it as the officer determines and a copy of the order may be posted on the property.
- 33(2) The order referred to in subsection (1) hereof shall,
- (a) state the municipal address or the legal description of the property.
 - (b) give reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris, or refuse and left in a graded and levelled condition
 - (c) indicate the time for complying with the terms and conditions of the order and give notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
 - (d) indicate the final date for giving notice of appeal from the order.
 - (e) be served or caused to be served,
 - (i) by personal service, or
 - (ii) by prepaid registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

APPEAL OF ORDER

- 34(1) An owner or occupant who has been served with an order made under this By-law, and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order.
- 34(2) An order that is not appealed within the time referred to above shall be deemed to be confirmed.
- 34(3) If an appeal is taken, the Committee shall hear the appeal and shall have all the powers and functions of the officer who made the order and may,
- (a) confirm, modify or rescind the order to demolish or repair
 - (b) extend the time for complying with the order if, in the committee's opinion, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.
- 34(4) The city in which the property is situate or any owner or occupant or person affected by a decision under Section 34(3) may appeal to a Judge of the Ontario Court (General Division) by notifying the Clerk of the City in writing and by applying to the Ontario Court (General Division) for an appointment within 14 days after the sending of a copy of the decision
- 34(5) A Judge of the Ontario Court (General Division) shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served.

- 34(6) On the appeal, the Judge has the same powers and functions as the Committee.
- 34(7) An order that is deemed to be confirmed or modified by the Committee or Judge, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

RESPONSIBILITIES OF LESSEE

- 35(1) The occupant of any property to the extent that he or she is made responsible by the lease or agreement under which he or she occupies the property, shall be required to repair and maintain the property in accordance with the standards.

REGISTRATION OF ORDER

- 36(1) An order issued pursuant to subsection (1) of Section 33 may be registered in the Land Registry or Land Titles Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under the provisions of this by-law.
- 36(2) When the requirements of the order have been satisfied, the Clerk of the Corporation shall forthwith register in the Land Registry or Land Titles Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

POWER OF CORPORATION TO REPAIR OR DEMOLISH

- 37(1) (a) If the owner or occupant of a property fails to repair or to demolish the property in accordance with an order as confirmed or modified, the City in addition to all other remedies.
- (i) may repair or demolish the property,
 - (ii) may clear the site of all buildings, structures, debris or refuse and leave the site in a graded and levelled condition; and or
 - (iii) may make the site safe or impede entry by erecting fences, barricades or barriers
- (b) for the purposes of section 33(1) the property standards officers and the City's agents may from time to time enter in and upon the property;
- (c) Despite Section 31(2) of the Building Code Act, 1992, the City or an officer acting on its behalf shall not be liable to compensate the owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under the provisions of this section.

PROPERTY STANDARDS COMMITTEE

- 38(1) A committee to be known as The Property Standards Committee of the City of Hamilton is hereby continued.
- 38(2) The Property Standards Committee for the City of Hamilton shall consist of 5 ratepayers of the City to be appointed by Council for a 3 year term . The members of the Committee shall hold office until their successors

have been appointed. Any vacancy on the Committee shall be filled forthwith by Council.

- 38(3) For the purpose of this Section, "ratepayer" shall mean either an owner of property in Hamilton or a tenant shown on the last revised assessment roll of a property located in Hamilton.

CERTIFICATE OF COMPLIANCE

- 39(1) Every owner may make an application to the City for a certificate of compliance by lodging the application with the Property Standards Officer.
- 39(2) The applicant shall pay the fees referred to in The Building Permit and Fees By-Law No. 93-018 or any successor By-Law for a certificate of compliance applicable at the time the application is made.

PENALTIES

- 40(1) Any owner who fails to comply with an Order which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for any subsequent offence.
- 40(2) Despite subsection (1) if a Corporation is convicted of an offence under this By-Law, the maximum penalty that may be imposed on the Corporation is \$50,000 for a first offence and \$100,000 for any subsequent offence.

PROCEEDINGS CONTINUED

- 41(1) Any order issued or proceeding conducted under By-laws No. 74-74 or 94-185 shall be deemed to continue under this By-law and any reference to By-laws No. 74-74 or 94-185 shall be deemed to refer to this By-law.
- 41(2) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters that have happened before the repeal of By-Laws No. 74-74 or 94-185 of the Corporation, as amended, the procedure established by this By-Law shall be followed so far as it can be adopted.

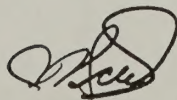
REPEAL

- 42 By-Law No. 94-185, as amended as enacted by Council on the 8th November, 1994 and the following By-Laws are hereby repealed:

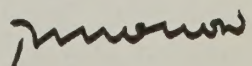
95-226 and 98-104

- 43 This By-Law comes into force on the date of passing.

PASSED this 29th day of SEPTEMBER, 1998



CITY CLERK

MAYOR

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS

ARTS AND CRAFTS

THE HISTORY OF ARTS AND CRAFTS

THE HISTORY OF ARTS AND CRAFTS

ARTS AND CRAFTS

THE HISTORY OF ARTS AND CRAFTS

THE HISTORY OF ARTS AND CRAFTS

ARTS AND CRAFTS

THE HISTORY OF ARTS AND CRAFTS

THE HISTORY OF ARTS AND CRAFTS

ARTS AND CRAFTS

THE HISTORY OF ARTS AND CRAFTS

THE HISTORY OF ARTS AND CRAFTS

THE HISTORY OF ARTS AND CRAFTS

THE HISTORY OF ARTS AND CRAFTS

THE HISTORY OF ARTS AND CRAFTS



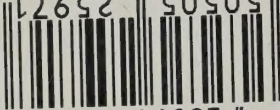
THE HISTORY OF ARTS AND CRAFTS

HAMILTON PUBLIC LIBRARY



3 2022 21334642 8

0 50505 25971 7



BLACK/NOIR/NEGRO

WHEELING, ILLINOIS 60090

25971

ACGO® USA

MEDIA UNITS